

1 PATRICK H. HICKS, ESQ., Bar # 4632  
2 LITTLER MENDELSON, P.C.  
3 3960 Howard Hughes Parkway  
Suite 300  
4 Las Vegas, NV 89169-5937  
Telephone: 702.862.8800  
Fax No.: 702.862.8811  
Email: [phicks@littler.com](mailto:phicks@littler.com)

5 SANDRA KETNER, ESQ., Bar # 8527  
6 LITTLER MENDELSON, P.C.  
7 200 S. Virginia Street, 8<sup>th</sup> Floor  
Telephone: 775.348.4888  
8 Fax No.: 775.562.8110  
Reno, NV 89501  
Email: [sketner@littler.com](mailto:sketner@littler.com)

9 ESTHER G. LANDER (DC Bar No. 461316)  
10 Admitted *pro hac vice*  
11 AKIN GUMP STRAUSS HAUER & FELD LLP  
2001 K Street, N.W.  
Washington, D.C. 20006  
12 Telephone: 202.887-4000  
Email: [elander@akingump.com](mailto:elander@akingump.com)

13 Attorneys for Defendant  
14 DESERT PALACE, INC.  
d/b/a CAESARS PALACE

16 **UNITED STATES DISTRICT COURT**  
17 **DISTRICT OF NEVADA**

19 WILLIAM J. BERRY, JR., CYNTHIA  
FALLS, and SHANE KAUFMANN,

Case No. 2:17-cv-00019-APG-BNW

20 Plaintiff(s),  
21 vs.  
22 DESERT PALACE, INC, d/b/a CAESARS  
23 PALACE, DOES I through x, et al.

**STIPULATION AND ORDER TO  
EXTEND JOINT PRETRIAL ORDER  
DEADLINE**

**(FIRST REQUEST)**

24 Defendant(s).

25  
26 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs WILLIAM J.  
27 BERRY, JR., CYNTHIA FALLS, and SHANE KAUFMANN and Defendant DESERT PALACE,  
28 INC. d/b/a CAESARS PALACE ("Caesars"), by and through their respective counsel of record, that

1 the deadline for filing the Joint Pretrial Order be extended in light of the filing of Defendant's  
2 Motion to Consolidate (ECF No. 32) in *Kaufmann v. Desert Palace, Inc.*, Case No. 2:18-cv-02037-  
3 KJD-DJA, as explained further below.

4 In this case, USD Judge Gordon issued an Order (ECF No. 147) granting in part and denying  
5 in part Defendant's Motion for Summary Judgment on October 18, 2019. Pursuant to the parties'  
6 Discovery Plan and Scheduling Order (ECF No. 55) and amendments thereto, the parties' Joint  
7 Pretrial Order is due 30 days after a decision on dispositive motions or further order of the Court  
8 (ECF No. 73). Thus, at present, the parties' Joint Pretrial Order is currently due on or before  
9 November 18, 2019.

10 However in June, 2018, Plaintiff Kaufmann filed a separate matter against Defendant  
11 (removed to federal court on October 23, 2018) which is currently assigned to USD Judge Dawson  
12 (hereinafter "the Kaufmann Litigation"). Defendant subsequently filed a Motion to Consolidate  
13 (ECF No. 32) the Kaufmann Litigation with the instant case, which Plaintiff Kaufmann has opposed.  
14 Defendant's Motion to Consolidate is now fully briefed and pending decision by USD Judge  
15 Dawson. In order to further judicial economy and conserve the parties' resources, the parties request  
16 that the deadline for filing the Joint Pretrial Order in this case be extended until USD Judge Dawson  
17 issues a decision on Defendant's Motion to Consolidate. Specifically, if USD Judge Dawson grants  
18 Defendant's Motion to Consolidate, the parties stipulate to conduct a Rule 26(f) conference within  
19 14 days of the consolidation order and submit a proposed discovery plan and scheduling order within  
20 14 days thereafter. The deadline for submitting the Joint Pretrial Order in this case would be  
21 governed by the proposed discovery plan and scheduling order. In the event that USD Judge  
22 Dawson denies Defendant's Motion to Consolidate, the parties agree to submit their Joint Pretrial  
23 Order within 60 days of the denial.

24       ///

25       ///

26       ///

27       ///

28       ///

1           This is the parties' first stipulation to specifically extend the Joint Pretrial Order deadline.  
2 This stipulation is made in good faith in order for the parties to avoid incurring unnecessary legal  
3 fees while also conserving judicial resources pending the outcome of Defendant's Motion to  
4 Consolidate. This stipulation is not for the purpose of causing any undue delay, and the parties agree  
5 that good cause therefore exists for the extension.

6 Dated: October 31, 2019.

Dated: October 31, 2019.

7 Respectfully submitted,

Respectfully submitted,

9  
10 */s/ Kathleen J. England*  
11 Kathleen J. England, Esq.  
12 GILBERT & ENGLAND LAW FIRM  
13 610 South Ninth Street  
14 Las Vegas, NV 89101

15 */s/ Sandra Ketner*  
16 PATRICK H. HICKS, ESQ.  
17 SANDRA KETNER, ESQ.  
18 Littler Mendelson, P.C.

19 Attorneys for Defendant  
20 DESERT PALACE, INC.  
21 d/b/a CAESARS PALACE

22 Jason R. Maier, Esq.  
23 Danielle J. Barraza, Esq.  
24 MAIER GUTIERREZ & ASSOCIATES  
25 8816 Spanish Ridge Avenue  
26 Las Vegas, NV 89148

27 Attorneys for Plaintiffs

18           **IT IS SO ORDERED**

19           **DATED: November 04, 2019**

20  
21             
22  
23           **BRENDA WEKSLER**  
24           **UNITED STATES MAGISTRATE JUDGE**

25 4824-8590-8907.1 083558.1241